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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,661	02/18/2004	Peter C. Brusso	040580	5222
24243	7590	01/24/2006	EXAMINER	
CHARMASSON, BUCHACA & LEACH, LLP 1545 HOTEL CIRCLE SOUTH, SUITE 150 SAN DIEGO, CA 92108-3426			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 11/10/2005.
2. Claims 6-7 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6- are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco et al. (U.S. 6,658,323) in view of Andrews et al. (U.S. 6,655,587).

Re claims 6-7: Tedesco et al. [hereinafter referred as "Tedesco"] discloses vending machine apparatus 42 for encouraging participation in a marketing effort, comprising of means for accepting from a purchaser of food or beverage items dispensable by the installation and processing a creditable and debitable smart card (as shown in fig. # 1; col.5, lines 5+), electromechanical means for accepting currency [through the bill validator 130 or coin acceptor 125 (col.5, lines 17+); means for debiting the card [through the card reader 120, wherein a card processing equipment is incorporated at a remote location {not shown by Tedesco} for validating the card based purchases] by an amount of payment for at least one of the items (col.5, lines 10+). Tedesco further discloses means for storing [through the data storage 170] records of currency amounts accepted by the electromechanical means of the amount of payment debited from the card (col.5, lines 60+).

Tedesco fails to specifically teach that the card reader through the vending machine includes means, responsive to said means for accepting, for writing on said card an amount of currency accepted by said electromechanical means, and debiting the smart card.

Andrews et al. teaches customer administered autoloading, which includes a card reader 32/132 with means for writing {herein described as a process of deducting the amount of sold transaction, i.e. an amount for the transit fare; and loads the remaining balance onto the card, wherein the balance is automatically computed from the actual reading the card's amount before the transaction and the deducted fare} on the smart card 34 {through the processor/central computer 12} an amount of currency accepted by said electromechanical means (as shown in figs. # 1-5; col.6, lines 1+).

In view of Andrews et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Tedesco a card reader with means of writing data on the smart card so as update the card holder account information during the financial transaction. Furthermore, such modification would provide means of reading the smart card information, validate the authenticity {i.e. verifying the available fund of the card and determining if the smart card does not belong to a negative list} of the card, compare the price of the items to be purchased with the amount of money available on the smart card, and deduct the purchased amount from the monetary information stored of the card and update new available monetary/fund amount on the card, and wherein all transactions are made without the card holder's account information. Moreover, such modification would have been an obvious extension as taught by Tedesco, therefore an obvious expedient.

Art Unit: 2876

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gomm et al. (U.S. 5,753,899) discloses cash alternative transaction system.

Inamitsu et al. (U.S. 6,367,696) teaches IC card processing device, automatic vending device, and selling method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
January 13, 2006



**THIEN M. LE
PRIMARY EXAMINER**